

# Senate File 2381 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 3259)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to animal feeding operations, by providing for  
2 open feedlot operations.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 6533SV 82  
5 da/rj/24

PAG LIN

1 1 Section 1. Section 459A.103, subsection 3, Code 2007, is  
1 2 amended to read as follows:  
1 3 3. a. In calculating the animal unit capacity of an open  
1 4 feedlot operation, the animal unit capacity shall not include  
1 5 the animal unit capacity of any confinement feeding operation  
1 6 building as defined in section 459.102, which is part of the  
1 7 open feedlot operation.  
1 8 b. Notwithstanding paragraph "a", only for purposes of  
1 9 determining whether an open feedlot operation must obtain an  
1 10 operating permit, the animal unit capacity of the animal  
1 11 feeding operation includes the animal unit capacities of both  
1 12 the open feedlot operation and the confinement feeding  
1 13 operation if the animals in the open feedlot operation and the  
1 14 confinement feeding operation are all in the same category or  
1 15 type of animals as used in the definitions of large and medium  
1 16 concentrated animal feeding operations in 40 C.F.R. pt. 122.  
1 17 In all other respects the confinement feeding operation shall  
1 18 be governed by chapter 459 and the open feedlot operation  
1 19 shall be governed by this chapter.

1 20 Sec. 2. Section 459A.401, subsection 2, paragraph a,  
1 21 unnumbered paragraph 1, Code Supplement 2007, is amended to  
1 22 read as follows:  
1 23 An open feedlot operation in compliance with the inspection  
1 24 and recordkeeping requirements of 40 C.F.R. pt. 122 and 40  
1 25 C.F.R. pt. 412 applicable to the operation may discharge open  
1 26 feedlot effluent into any waters of the United States due to a  
1 27 precipitation event, if any of the following apply:

1 28 EXPLANATION  
1 29 Two principal Code chapters regulate animal feeding  
1 30 operations. Code chapter 459 generally regulates animal  
1 31 feeding operations, with the majority of its provisions  
1 32 concerned with confinement feeding operations where animals  
1 33 are confined in totally roofed areas. Code chapter 459A  
1 34 regulates open feedlot operations where animals are otherwise  
1 35 confined to areas where there is no vegetation or forage  
2 1 materials.

2 2 This bill amends Code section 459A.103 which provides that  
2 3 the size of an open feedlot as calculated using its animal  
2 4 unit capacity (see Code section 459.102) does not include any  
2 5 confinement feeding operation. The bill provides an exception  
2 6 when determining whether the open feedlot operation must have  
2 7 been issued an operating permit by the department. In that  
2 8 case only, the animal unit capacity of the animal feeding  
2 9 operation includes the animal unit capacities of both the open  
2 10 feedlot operation and the confinement feeding operation, if  
2 11 the animals in the open feedlot and confinement feeding  
2 12 operation are in the same category of animals as provided by  
2 13 federal law. The bill provides that for all other purposes,  
2 14 the confinement feeding operation is to be governed by Code  
2 15 chapter 459 and the open feedlot operation is to be governed  
2 16 by Code chapter 459A.

2 17 The bill also amends Code section 459A.401 which provides  
2 18 for the management of open feedlot effluent, by providing that

2 19 under certain conditions an open feedlot operation may  
2 20 discharge the effluent into any waters of the state due to a  
2 21 precipitation event. The bill provides that the open feedlot  
2 22 operation must be in compliance with federal law including the  
2 23 national pollutant discharge elimination system requirements  
2 24 administered by the United States environmental protection  
2 25 agency.  
2 26 LSB 6533SV 82  
2 27 da/rj/24